

**INDIVIDUAL RULES OF
MAGISTRATE JUDGE JOAN M. AZRACK
United States District Court
Eastern District of New York
225 Cadman Plaza East - Room 1210S
Brooklyn, New York 11201
Chambers: Room 1210S**

**Telephone: (718) 613-2530
Fax: (718) 613-2535
Contact: Louise Falcone**

Unless otherwise ordered by Judge Azrack in a specific case, matters before Judge Azrack shall be conducted in accordance with the following practices:

I. ELECTRONIC CASE FILING (ECF)

- A. Pursuant to an Administrative Order dated June 22, 2004, Electronic Case Filing ("ECF") is mandatory in all cases other than pro se civil cases. All documents required to be filed with the Court must be filed by ECF. Questions regarding ECF filing or training should be directed to Evelyn Levine at (718) 613-2312.
- B. **Exemptions:** Litigants proceeding *pro se* are exempt from ECF requirements. Requests by attorneys for an exemption to the mandatory ECF policy must be submitted to Judge Azrack and must set forth good cause hardship reasons which state the specific technological or other reason why counsel is not able to participate in ECF. Such requests will be granted only in limited circumstances.

II. COURTESY COPIES

- A. Courtesy copies of all papers filed electronically and directed to Judge Azrack, rather than the District Judge, including motions, letters, and stipulations, must be provided to Chambers. **All such papers must be clearly marked "Courtesy Copy," "Original Filed by ECF."**
- B. Courtesy copies of dispositive motions made to the assigned District Judge need not be provided to Judge Azrack, unless the motion is referred to her. The parties must follow the chambers rules of the District Judge regarding filing of submissions and providing courtesy copies. See § IV(B), *infra*, for further details.

III. COMMUNICATIONS WITH CHAMBERS

A. Telephone Calls

Telephone calls to chambers are permitted. For scheduling, calendar, or discovery matters, call chambers at (718) 613-2530. Calls regarding new arrests, bail issues, arraignments and other matters handled by the Magistrate Judge on criminal duty should generally be directed to the Magistrate Clericals at (718) 613-2620.

B. Faxes

Faxes to chambers are permitted only if copies are also simultaneously faxed or delivered to all counsel. No document longer than 5 pages may be faxed without prior authorization. **DO NOT FOLLOW WITH HARD COPY.** The fax number to chambers is (718) 613-2535.

C. Requests for Adjournments or Extensions of Time

Requests for adjournments of conferences or extensions of time may be made by telephone but must be made with consent of all parties. The party requesting the adjournment shall send a letter, via ECF or fax, confirming the new date and time.

D. Discovery Disputes

Where the attorneys for the affected party or non-party witness cannot agree on a resolution of a discovery dispute, they shall initiate a telephone conference with Judge Azrack by calling chambers at (718) 613-2530. Attorneys are not permitted to submit letters or formal motions on discovery disputes unless specifically authorized to do so.

IV. MOTIONS

A. Judge to Whom Motions Are to Be Made

Unless otherwise specifically ordered, all non-dispositive pretrial motions, including discovery motions, are to be made to the Magistrate Judge. All dispositive motions, including summary judgment motions and motions to amend pleadings, are to be made to the District Judge, unless the parties have consented in writing to determination by the Magistrate Judge in accordance with 28 U.S.C. § 636 (c)(1).

B. Pre-Motion Conferences in Civil Cases Where Parties Have Consented to Judge Azrack for All Purposes

For motions other than discovery motions, in all cases where the parties are represented by counsel and in other than habeas corpus/prisoner petitions and Social Security and Bankruptcy appeals, a pre-motion conference with the Court is required before making any dispositive motion, motion for a change of venue, or to amend a pleading pursuant to Rule 15 of the Fed.R.Civ.P. where leave of court is required. The pre-motion conference may be by telephone.

B. Memoranda of Law

Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. Memoranda of 10 pages or more shall contain a table of contents.

C. Filing of Motion Papers

No motion papers shall be filed until the motion has been fully briefed. The notice of motion and all supporting papers are to be served on the other parties along with a cover letter setting forth whom the movant represents and the papers being served.

Subject to Court approval, the parties are to set up their own briefing schedule. No changes in the approved schedule may be made without Court approval. Approval may be given at the pre-motion conference or by subsequent notification. No party is to serve any motion papers prior to obtaining court approval for the schedule.

The original moving party shall be responsible for filing all motion papers. Such party is further obligated to furnish chambers two sets of courtesy copies of the motion papers together with a cover letter specifying each document in the package.

E. Oral Argument on Motions

Parties may request oral argument at the time their moving or opposing or reply papers are filed. The court will determine whether argument will be heard and, if so, will advise counsel of the argument date.

V. PRETRIAL PROCEDURES

A. Joint Pretrial Orders in Civil Cases

As directed by the Court, upon completion of discovery in a civil case, the parties shall submit to the Court for its approval a joint pretrial order, which shall include the following:

1. A statement of stipulated facts (if any).
2. The parties claims and defenses on liability and the damages and other relief sought.
3. Schedules of exhibits to be offered in evidence. Only exhibits listed shall be offered in evidence except for good cause shown.
4. Names and addresses of all witnesses, together with a brief narrative statement of the expected testimony of each witness. Only listed witnesses will be permitted to testify except for good cause shown.
5. Lists of depositions to be offered.

6. Proposed voir dire questions, proposed jury instructions, and proposed verdict forms. In addition to a written version, these materials shall be provided on 3.5" diskette (or CD- Rom) in WordPerfect format if possible.

B. Filings Prior to Trial in Civil Cases

Unless otherwise ordered by the Court, each party shall file:

1. on the Thursday before trial in jury cases, requests to charge and proposed voir-dire questions. Requests to charge should be limited to the elements of the claims, the damages sought and defenses. General instructions will be prepared by the Court. When feasible, proposed jury charges should also be submitted on a 3.5" diskette in WordPerfect format;
2. **two** courtesy copies of all exhibits, which shall be appropriately labeled and indexed, including a table of contents;
3. in all cases, motions addressing any evidentiary or other issues which should be resolved **in limine**; and
4. in any case where such party believes it would be useful, a pretrial memorandum.